

10/720,367

REMARKS

The Applicants would like to thank the Examiner for the analysis set forth in the Examination Report. In particular, the Applicants would like to thank the Examiner for indicating that allowable subject matter is demonstrated in claim 2. In this Response, the Applicants incorporate the subject matter of claim 1 into claim 2 in order to place claim 2 in independent form and in a condition for allowance. The Applicants did not cancel claim 1 from this Application, and the Applicants respectfully request that the Examiner consider this Response in favor of the patentability of claim 1.

Claim 1 is rejected, under 35 U.S.C. § 103, as being unpatentable over Hamilton '588. The Applicants acknowledge and respectfully traverse the raised obviousness rejection in view of the following remarks.

The Examiner takes the position that "It would have been obvious to one having ordinary skill in the art at the time the invention was made to having a second tree receiving cavity, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art". The Applicants' response is that even after they had decided that they wanted to create a feller buncher with two tree receiving cavities, it took quite awhile to figure out how to accomplish it. It was not readily apparent how this might be done without interfering with the operation of the grapple arms. It is to be noted that in "duplicating" the tree receiving compartments, the Applicants did not give each tree receiving compartment its own individual set of grapple arms – the grapple arms are shared. This aspect of the shared grapple arms is incorporated into the wording of the claim 1, as amended. It is respectfully submitted that it is not readily apparent how to support a divider that would divide the tree receiving cavities and create two cavities. The structure the Applicants arrived at of creating two tree receiving compartments, as best illustrated in Fig. 1, is incorporated into the wording of the claims. It is respectfully submitted that while the Examiner correctly summarizes the law, the principles recited are not applicable to the facts of this particular case, which required some inventive ingenuity to arrive at a workable device.

Hamilton `488 teaches a tree felling head with a combination tree accumulator and tree abutment. This tree feller head of Hamilton `588 includes a single tree cavity and two, two piece grapple arms which grasp the tree while it is being cut. The Examiner states that mere duplication of essential parts would only involve routine skill in the art and would, therefore, be obvious. As the Applicants assert above, if one were to double the tree felling head of Hamilton `588, one would have a tree felling head with two tree cavities and four grapple arms. The Applicants developed a tree feller head having two tree cavities and only two grapple arms. The claims of the current application differ from the Hamilton `588 reference more than the "mere duplication" of parts as asserted by the Examiner.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claim 1 of this application now recites the features of "[a] feller buncher, comprising. . .a first tree receiving cavity. . .a second tree receiving cavity. . .the first tree receiving cavity and the second tree receiving cavity being formed by a first divider at the first end of the support and a second divider at the second end of the support. . . .movable grapple arms shared by the first tree receiving cavity and the second tree receiving cavity. . . ." and independent claim 2 of this application now recites the features of "[a] feller buncher. . .a first tree receiving cavity. . .a second tree receiving cavity. . .a rigid horn centrally positioned between the first tree receiving cavity and the second tree receiving cavity adjacent to the second end of the support, the rigid horn projecting outwardly from the support." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

The amended paragraph of the specification is entered to provide a more generic term for the rigid protrusion or horn 32 which is used in the claims. The undersigned avers that the newly entered/amended paragraph of the specification do not contain any new subject matter.

The drawings are amended, per the attached Submission, to specifically label the dividers. New Replacement Sheets of formal drawings, accompany this Submission, incorporate all of the requested drawing amendment. If any further amendment to the drawings

is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicants to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicants' view concerning the withdrawal of the outstanding rejections or applicability of the Hamilton '588. reference, the Applicants respectfully request the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicants respectfully request the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicants.

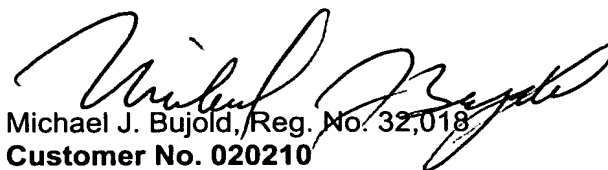
In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicants at this time.

The Applicants respectfully request that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

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In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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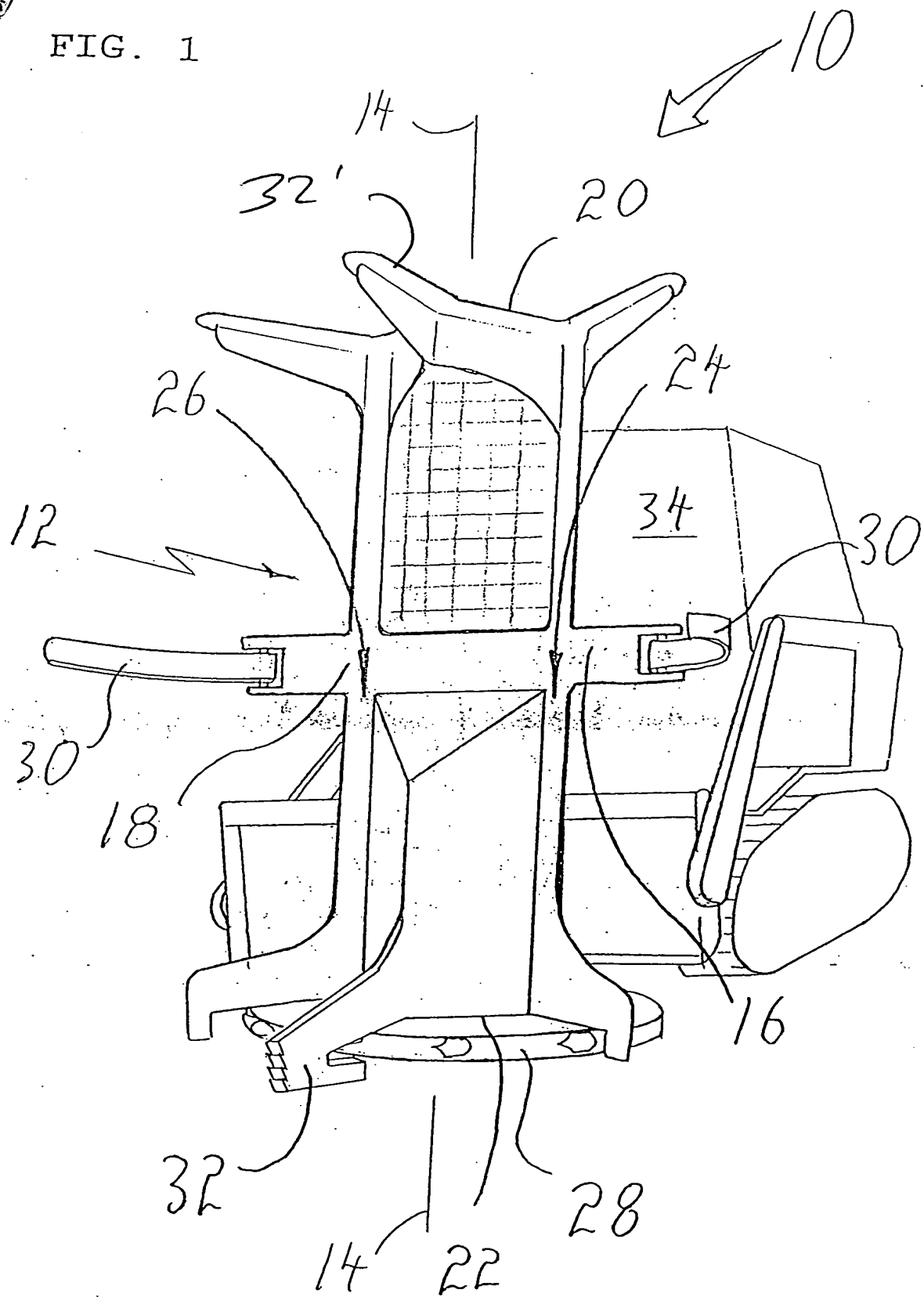
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FIG. 1



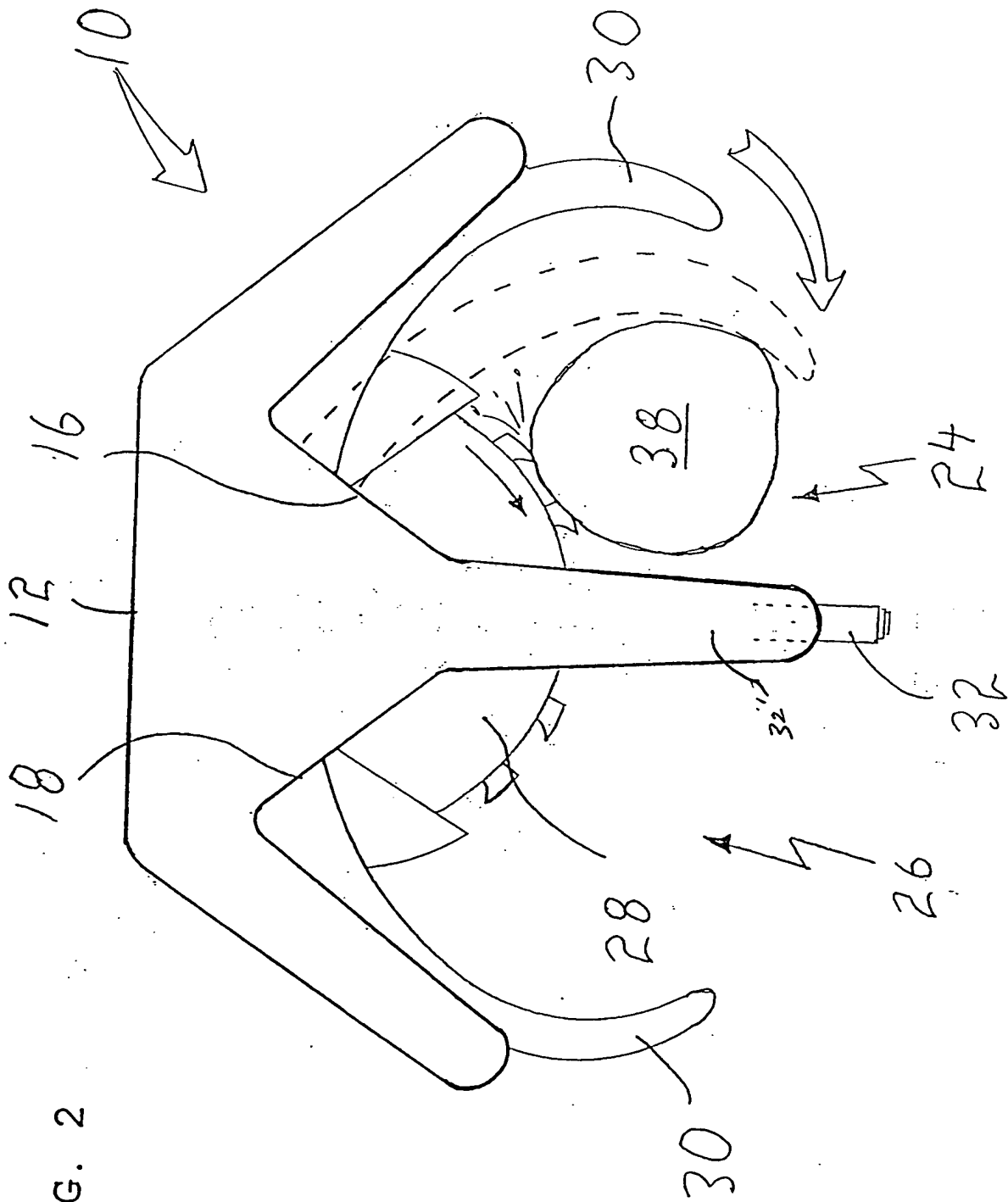


FIG. 2

FIG. 3

